REMARKS

This Response, filed in reply to the Office Actions dated November 1, 2007, March 5, 2008 and March 26, 2008 is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Upon entry of the amendment, Claims 1, 2, 4, 6, 11 and 15 are all the claims pending in the application. Claims 1, 2, 6, and 15 are amended in order to more clearly set forth the feature of the invention which inventors regard their invention. Amendment to claims 1 and 2 may be supported by the description of the specification, which extensively discusses serine-rich proteins, different types of such proteins (i.e., serine-rich proteins which is not cystein-rich as well as those which is also cysteine-rich). Claims 6 and 15 are amended to cancel "IL-12 p40 (interleukin 12β chain)."

No new matter has been introduced and entry of the amendment is respectfully requested.

Claims 1, 2, 4, 6, 11 and 15 are patentable under 35 U.S.C. 103(a)

In the final Office Action and Advisory Actions, claims are rejected under 35 U.S.C. § 103 as being obvious over Ramirez *et al.* and Lamouse-Smith *et al.* in view of Martens *et al.*, Swiss-Prot Accession No. P29460, Hatamoto *et al.* and Koonin *et al.*

In particular, in the Advisory Action dated March 5, 2008, the Office asserts that the art clearly suggests that high level expression of human IL-12 p40 would require additional cysteine and that this could be accomplished by expression of cycK with human IL-12 p40. Futhermore,

it is asserted that as human IL-12 p40 is inherently a serine-rich protein (as well as a cysteine-rich protein), the method suggested by the art meets all limiations of the claims.

In the currently presented amended claims 1 and 2, the serine-rich protein is limited to one containing cysteine less or the same as the average content of cysteine in bacterial host cellular protein. Also, claims 6 and 15 are amended to delete "IL-12 p40 (interleukin 12β chain)."

In this regard, as the claimed method recites the use of a bacterium as a host, and it was known in the art the average amino acid composition content in the bacterium, it is believed that the amended claim is definite and further clarifies the subject matter which the inventors consider as their invention. *See, e.g.*, page 5, lines 4-11 of the specification of the present application stating "Specific amino acid rich protein" refers to a protein containing specific amino acid more than average amino acid composition content in *E.coli* (Koonin et al., in *Exccherichia coli and Salmonella: Cellular and Molecular Biology* (eds. Neidhardt, F.C. et al.) American Society for Microbiology, Washington, D.C., 2203-17, 1996).

Thus the amended claims are directed to a process producing a serine-rich protein which contains cysteine at a level lower than or the same level as that present in bacterial host cellular protein. Therefore, the amended claims do not encompass a serine-rich protein which contains cysteine at a level greater than that present in the bacterial host cellular protein.

Accordingly, it is believed that the amendments render the rejection moot and the withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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